

## **MINUTES**

### **City of Franklin, Indiana BOARD OF ZONING APPEALS**

**December 3, 2014**

#### **Members Present:**

Tim Holmes	President
Phil Barrow	Vice-President
Jim Martin	Secretary
Brian Alsip	Member
Rev. Richard Martin	Member

#### **Others Present:**

Alex Getchell	Associate Planner
Lynn Gray	Legal Counsel
Jaime Shilts	Recording Secretary

#### **Call to Order:**

Tim Holmes called the meeting to order at 7:00 p.m.

#### **Approval of Minutes:**

Ms. Gray stated the motion for the Franklin Heritage Inc. parking lot petition should include that Franklin Heritage Inc. provide signage for only their nine parking spaces. Jim Martin made a motion to approve the November 5, 2014 minutes with the correction stated by Ms. Gray. Brian Alsip seconded the motion. The members voted to approve the minutes.

#### **Swearing In:**

Lynn Gray swore in the audience en masse.

#### **Old Business:**

None.

#### **New Business:**

##### **ZB 2014-16 (UV) RAMS, LLC:**

The petition is for a use variance to allow for a single family residential use and a new detached residential garage in the MXD zoning district. A variance is needed as single family residential use is not listed as a permitted use and a detached residential garage is not permitted in the zoning district.

Dustin Royer, owner of 70 W Madison Street, stated he and his brother are requesting the use of the property to be a single family property with the addition of a detached garage in the same location where a detached garage had previously been constructed.

Mr. Royer stated the general welfare will not be affected. The variance will not have an effect on the use of the property. They are taking a vacant property and giving it a use.

Mr. Royer stated the adjacent properties will not be adversely affected as they both have residential uses already.

Mr. Royer stated there is a practical difficulty in that the home was set up as a dental office on the first floor but didn't conform to any commercial standards. Mr. Royer stated the home is not set up for ADA requirements for a business, he stated it is very antiquated as far as residential standards. He stated the upstairs is residential and has 3 bedrooms, 1 bath, and 1 closet which was used as a kitchen. He stated if they were to put residential upstairs and commercial downstairs they would have to do major renovations to do so. He stated the home is more set up to be a residence.

Mr. Royer stated there is an unnecessary hardship in that the seller stated it could be used as a residential home. He stated that he purchased the home to be a residential home.

Mr. Royer stated the variance does not interfere with the comprehensive plan. He stated the home was built in the 1920s. He stated he wants to restore the house and resell the house as a single family home. He plans to put the new garage in the footprint of the old one.

Ms. Gray questioned if Mr. Royer would commit to putting the garage in the footprint as stated. Mr. Royer agreed he would.

Staff recommends approval with the following conditions:

1. Improvement Location Permit(s) shall be obtained prior to construction, when applicable, including the proposed detached garage.
2. The variance ceases to be authorized and is expired if the obtaining of an Improvement Location Permit, or the execution of the approval has not been completed within 1 year of the date granted.
3. The proposed 20' x 22' detached garage will be located on the property as shown on the site plan submitted with the application.

**Action taken on ZB 2014-16 (UV) RAMS, LLC:**

Rev. Martin made a motion to approve the variance with the following conditions:

1. Improvement Location Permit(s) shall be obtained prior to construction, when applicable, including the proposed detached garage.
2. The variance ceases to be authorized and is expired if the obtaining of an Improvement Location Permit, or the execution of the approval has not been completed within 1 year of the date granted.
3. The proposed 20' x 22' detached garage will be located on the property as shown on the site plan submitted with the application.

Jim Martin seconded the motion. The motion carried. The variance was granted.

**Other:**

None

**Adjournment:**

There being no further business, the meeting was adjourned.

Respectfully submitted this 7<sup>th</sup> day of January, 2015.

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Tim Holmes, Chairman

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Jim Martin, Secretary